

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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EXCELLER SOFTWARE CORPORATION, :

Plaintiff, :

-against- :

PEARSON EDUCATION, INC. & ADDISON-  
WESLEY LONGMAN, INC.. :

Defendants. :

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10 Civ. 0381 (PGG) (AJP)

**ORDER OF DISMISSAL ON CONSENT**

**ANDREW J. PECK, United States Magistrate Judge:**

Based on the settlement agreement reached by all parties and transcribed by the court reporter on April 5, 2011, and on the stipulation of the parties pursuant to 28 U.S.C. § 636(c), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York  
April 5, 2011

  
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**Andrew J. Peck**  
United States Magistrate Judge

Copies **by ECF** to: All Counsel  
Judge Paul G. Gardephe